

SSC-0184-72

6 JUL 1972

MEMORANDUM FOR: General Counsel

SUBJECT : Executive Order 11652
Implementation Guidance for
U.S. Intelligence Community
Participating in DCI's Compartmented
Intelligence Control Systems

1. The Special Security Center, Office of Security, CIA is responsible to the DCI through the Director of Security for the development of security policy for the overall management of certain compartmented intelligence security control systems. These systems were issued by the DCI and are binding on all departments which receive or handle intelligence information within the purview of the compartmented systems.

2. In accordance with this responsibility, the Special Security Center has prepared certain guidance to the U.S. intelligence community on implementation of Executive Order 11652. The following concepts are offered in this guidance:

(a) The DCI reaffirms the continuing need for protection of intelligence information and material as offered by the compartmented control systems.

(b) The DCI reaffirms the continuing need for current classification policy existing within the compartmented control systems.

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(c) The DCI exempts from the General Declassification Schedule of 11652 all levels of classified information within the purview of the compartmented control systems.

(d) All material or information within the purview of the compartmented control systems will be marked with the stamp:

Classified by _____
Exempt from General
Declassification Schedule of E. O. 11652
Exemption Category 5 B 2
Automatically Declassified on
Approval of DCI

(e) All compartmented intelligence material or information within the purview of the compartmented control systems furnished outside the Executive Branch of the Government shall be stamped:

"NATIONAL SECURITY INFORMATION"
Unauthorized Disclosure
Subject to Criminal Sanctions

(f) Electrical messages will bear the notice at the end of the message unit:

For Government - EX-2 APDCI
For Industry - EX-2 APPH (Project Headquarters)

3. The Special Security Center would appreciate your comment if there is any objection to this interpretation of the Executive Order or to these principles of guidance for implementation of the Executive Order within the compartmented intelligence control systems.


Chief, Special Security Center

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Chief, Special Security Center

ST/

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Chief, Special Security Center

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

General Counsel

7/6/52

2.

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15.

18 July 1972

MEMORANDUM FOR: General Counsel

SUBJECT : Transmission of SECRET Material
via U.S. Registered Mail Facilities

1. This memorandum is for your information only.

[] As you know, regulatory documents, E.O. 11652 and permit the transmission by registered mail of material classified through SECRET within the United States. This Agency sends approximately [] pieces of mail annually through this system.

3. We believe that the use of registered mail is the best available method for the transmission of classified material domestically. In November 1970 the U.S. Postal Service fully implemented a security plan known as CON-CON (Concentration and Convoy) which calls for major and minor air distribution points throughout the United States. All high value mail (including registered mail) today is sent by air to these distribution points and is provided armed guard coverage; aircraft used are assigned air marshals as much as possible. The Postal Service has experienced no difficulty since this plan became effective.

4. In the last five years the Postal Service has handled an average of 34,000,000 pieces of registered mail a year with an average loss of about one piece of mail for each 34,000 pieces handled. Percentage-wise, this amounts to .000029 percent of all registered mail handled.

5. Prior to the inception of the aforementioned Postal Service security plan, nine pieces of mail belonging to this Agency

were reported missing from the U.S. mail. Agency damage assessments reveal we did not suffer serious harm from these losses. An admitted airport thief, [redacted] testified before a congressional committee in 1970 that he had participated along with some 30 odd individuals in U.S. mail thefts seeking monies and other valuable items. As a result, [redacted] claimed he came across classified documents belonging to CIA and other government agencies. Postal authorities believe the apprehension of [redacted] and colleagues eliminated approximately 90 percent of U.S. mail theft cases occurring between 1966 and 1970.

6. In view of the above, it is our opinion that the present U.S. Postal Service registered mail system offers a high degree of security and that the use thereof is the only reasonably secure and efficient method of domestic transmission of classified material.

[redacted]
Howard J. Osborn
Director of Security

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OGC 72-0847

19 June 1972

Mr. Fred J. Emery, Director
Office of the Federal Register
National Archives and Records Service
Washington, D. C. 20408

Dear Mr. Emery:

This letter is a follow up to our recent telephone conversation. In accordance with your suggestion, I am enclosing a draft of a regulation which incorporates the requirements of the Freedom of Information Act as well as Executive Order 11652 and the implementing National Security Council Directive of 17 May 1972.

As we discussed, it seems appropriate that this regulation, when it is approved, should be codified in the Code of Federal Regulations. When the regulation is approved, we will forward a signed original with two copies in accordance with your request.

If there are any suggestions, I would be pleased to hear from you.

Sincerely

[Redacted Signature Box]

John S. Warner
Deputy General Counsel

Enclosure

Annex to HR 10-23

✓ OGC Subject - SECURITY - E.O. 11652 - Classification & Declassification
OGC Chrono

OGC:JSW:mks

CENTRAL INTELLIGENCE AGENCY
Public Access to Documents and Records - Declassification Requests

1. Authority. This regulation is issued under the authority of the National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652.

2. Purpose. Pursuant to the requirements of the Freedom of Information Act and pursuant to Executive Order 11652, the following are established as the rules of procedure with respect to public access to the records of the Central Intelligence Agency and requests for classification review of classified information and material.

3. Organization and Requests for Information. The headquarters of the Central Intelligence Agency is located in Fairfax County, Virginia. Functions are channeled and determined by regular chain-of-command procedures. Other than this regulation there are no formal or informal procedural requirements regarding public access to Agency records. Requests for information and decisions and other submittals may be addressed to The Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505.

4. Requests for Documents or Classification Review.

(a) Any person may request that any identifiable records or documents be made available.

(b) Any person may request a classification review of records or documents which are classified under E. O. 11652, or any predecessor Executive Order, and are more than ten (10) years old.

(c) Requests may be addressed to The Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505. Requests need not be made on any special form but may be by letter or other written communication setting forth the pertinent facts with enough specificity that the requested document or record can be located or identified with a reasonable amount of effort.

5. Processing Requests.

(a) The Assistant to the Director shall promptly acknowledge receipt, in writing, and refer the request to the Agency component having responsibility for the records or matter involved (the responsible component).

(b) The responsible component shall undertake to locate or identify the document. If the request does not describe the document with sufficient particularity to permit it to be located or identified with reasonable effort, the responsible component shall so inform the Assistant to the Director. The Assistant to the Director will advise the requester that additional identifying information should be provided. The requester may then resubmit his request, furnishing additional identifying information. Any resubmitted request also shall be processed in accordance with this regulation. If the request is determined to be unduly burdensome, the requester will be asked to limit his request to records that are reasonably obtainable.

6. Action on Requests Involving Classified Documents. Upon locating a requested document or upon identifying it sufficiently to permit the making of the appropriate determinations under this paragraph, the responsible component shall determine the date of origin of the document and whether the document is classified under E.O. 11652 or any predecessor Executive Order.

(a) If the component determines that the document is unclassified, the request shall be further processed under paragraph 7 of this regulation.

(b) If the component determines that the document is classified and is less than ten (10) years old, he shall so inform the Assistant to the Director, who thereupon shall deny the request.

(c) If the component determines that the document is classified and is between ten (10) and thirty (30) years old, it shall review the classification and continue, modify, or remove the classification based on the principles prescribed for classification decisions by E.O. 11652 and implementing directives and regulations.

(1) If the component classifies the document, at the original level of classification, or at another level, it shall so advise the Assistant to the Director and, if it is possible to furnish the requester with a brief statement as to why the document cannot be declassified, furnish such a statement to the Assistant to the Director. The Assistant to the Director thereupon shall deny the request and transmit to the requester the statement furnished him.

(2) If the component declassifies the document, the request shall be further processed under paragraph 7 of this regulation.

(d) If the component determines that the document is classified and is at least thirty (30) years old, it shall forward the request, together with its recommendation for continuing, modifying, or removing the classification, to the Director for his personal action under Section 5.E. of E.O. 11652. The Director may continue, modify, or remove the classification. If the Director classifies the document at the original level of classification, or at another level, he also shall specify the reasons for continued classification and shall set a date on which the document shall become declassified. The Director's decision shall be made known to the requester.

(e) If possible, action on each request referred to a responsible component under subparagraph 5(a) shall be completed within thirty (30) days of receipt of the referral. If action cannot be completed within thirty (30) days, the component shall so inform the Assistant to the Director and shall explain the reasons for further delay. The Assistant to the Director shall so advise the requester. If the requester does not receive a decision on his request within sixty (60) days, he may apply to the Central Intelligence Agency Information Review Committee, established pursuant to Section 7(B)(2) of E.O. 11652. Any such application shall be processed as an appeal under paragraph 9 of this regulation.

7. Action on Requests Which do not Involve Classified Documents.

When a responsible component determines that a request refers to a document which is unclassified (subparagraph 6(a) above), or when the responsible component declassifies a document under subparagraph 6(c)(2) above, the component thereupon shall determine whether the document is exempt from public disclosure under any of clauses (2) through (9) of subsection 552(b), Title 5, United States Code.

(a) If the component determines that the document is exempt under any of such clauses, it shall so advise the Assistant to the Director, who thereupon shall deny the request.

(b) If the component determines that the document is not exempt, it shall so advise the Assistant to the Director, who shall furnish the requester with a copy of the document or give him access to it.

8. Appeal to CIA Information Review Committee.

(a) Notification of Right to Appeal. When the Assistant to the Director advises a requester that a request does not describe a document with sufficient particularity to permit it to be located with reasonable effort (subparagraph 5(b)), or when he denies a request pursuant to subparagraph 6(b), 6(c)(1), or 7(a), he shall also advise the requester that he may appeal that decision to the Central Intelligence Agency Information Review Committee, established pursuant to Section 7(B)(2) of E.O. 11652.

(b) Procedures. Any requester, by letter or other written communication, may appeal to the Central Intelligence Agency Information Review Committee any decision conveyed to him under subparagraph 5(b), 6(b), 6(c)(1), or 7(a), or apply to the Committee in accordance with subparagraph 6(e). The communication should (1) indicate the decision being appealed or, in the case of subparagraph 6(e) applications, the action sought, and (2) present any information or justification the requester may wish to submit. It should be addressed to that Committee, c/o The Assistant to the Director, Central Intelligence Agency, Washington, D.C. 20505. The Assistant to the Director shall forward the communication to the Committee for appropriate action under subparagraph 10(a).

9. CIA Information Review Committee. The CIA Information Review Committee, established pursuant to Section 7(B)(2) of E.O. 11652, shall perform the following functions:

(a) Within thirty (30) days the Committee shall consider any appeals forwarded to it under paragraph 9 and take such action thereon as it may deem appropriate, based on the principles

prescribed for classification decisions by E.O. 11652 and implementing directives and regulations, and on other applicable statutes and regulations. The Committee may affirm, overrule, or modify the appealed decision.

(b) The Committee shall consider and resolve all suggestions and complaints concerning CIA implementation and administration of E.O. 11652, including any concerning overclassification, failure to declassify, or delay in declassifying.

10. Appeal to Interagency Classification Review Committee. When a request for declassification is denied, the requester shall be advised of his right to appeal that denial to the Interagency Classification Review Committee established by Section 7(A) of E.O. 11652.

11. Suggestions and Complaints. Any person may direct suggestions and complaints with respect to the Agency administration of the Executive Order and the implementing regulations, including those regarding overclassification, failure to declassify, or delay in declassifying, to the CIA Information Review Committee.

12. Fees. In accordance with Section 483a of Title 31 of the United States Code, fair and equitable fees may be charged in connection with any Agency action or service in response to a request under this regulation. Fees shall be based on the cost to the government to conduct the necessary research and on the other standards prescribed by Section 483a. If a fee is to be charged, the requester shall be so informed by the Assistant to the Director and payment, or satisfactory assurances of payment, obtained from the requester before the action or service is undertaken.

13. Revocation. The CIA notice of July 21, 1967 (32 Fed. Reg. 140, July 21, 1967) is so revoked.

14. Effective Date. This regulation shall become effective upon its publication in the Federal Register.

W. E. COLBY
Executive Director
Central Intelligence Agency

MEMORANDUM FOR THE RECORD

SUBJECT : Identification of Employees with Classification Authority

REFERENCE: Memo dtd 12 July 72 to ADD/S fm D/SIPS Task Force,
subj: Identification of Personnel with Security
Classification Authority (DD/S 72-2778)

1. On 13 July 1972 the Acting Deputy Director for Support met with [] and SIPS representatives, [] and other OP representatives, [] and [] from OS, Richard Lansdale from OGC, and [] O-DD/S, to discuss referent proposal.

2. The A-DD/S decided that the proposal should be implemented since it seems to be workable and should provide a reasonably complete and accurate list of employees by name and position authorized to classify documents in all three classification categories.

3. The following actions approved by A-DD/S must be completed on a priority basis and the initial list produced by 15 August 1972.

a. OP - Draft an HN explaining the use of Forms 1152 and 1152a and the mechanics to be followed in obtaining and recording classification authority.

b. OP - Identify the specific tasks that must be accomplished to begin the new procedures, assigning suspense dates and serving as the focal point for coordinating the production of the required lists.

c. SIPS - Work closely with OP and complete all technical arrangements to implement the new procedures.

[]
Executive Officer to the
Deputy Director for Support

Distribution:

Orig - DD/S subject

1 - DD/S chrono

1 - OP []

1 - OS []

✓ 1 - OGC (Mr. Lansdale)

1 - SIPS []